

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRUCE BOONE WANN,

Defendant.

CR 18-54-M-DLC

ORDER

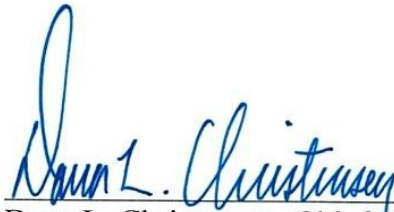
United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on December 3, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Bruce Boone Wann's guilty plea after Wann appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of illegal possession of a machine gun in violation of 18 U.S.C. § 922(o) (Count III); one count of possession of an unregistered silencer in violation of 26 U.S.C. § 5861(d) (Count V); one count of possession of an unregistered, short-barreled rifle in violation of 26 U.S.C. § 5861(d) (Count VII); and one count of possession of an unregistered destructive device in violation of 26 U.S.C. § 5861(d) (Count VIII), all as set forth in the Indictment. Defendant further agrees to the forfeiture allegation in the Indictment as specified in the parties' written plea agreement. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I, II, IV, VI, and IX of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 35), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Bruce Boone Wann's motion to change plea (Doc. 21) is GRANTED and Bruce Boone Wann is adjudged guilty as charged in Counts III, V, VII, and VIII of the Indictment.

DATED this 19th day of December, 2018.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

Dana L. Christensen, Chief District Judge
United States District Court